

1 went over there in 1995 with my son, and we walked
2 around, and I said, "Hey, look, we could solve this
3 problem." I volunteered to do that for nothing. I
4 probably scared them.

5 Bottom line is I am here to watch the
6 process and I am certainly going to follow it as
7 close as I can on my own nickel. And my only axe
8 to grind is that if this results in an extended
9 litigation scenario, I would like to see that
10 somehow be resolved so that all the participants,
11 developers, the citizens of Johnson County, which I
12 am one, end up on the winning side. Conflict in
13 mediation presents opportunities, not barriers. So
14 thank you for listening to my diatribe. I just
15 will be watching because this is, as somebody said
16 before me, quite an interesting process. Thank you
17 very much.

18 MR. MCGUIRE: Thank you. The next
19 speaker is Rick Ulmer.

20 MR. ULMER: First of all, I want to
21 say thanks to Mr. McGuire and Mr. Hastings for
22 giving me the opportunity to make some comments
23 here. Actually, I didn't plan on making any
24 comments.

25 What my comments are, basically, is that

1 I am a landowner on the south side of the
2 property. I think Mr. Stutz -- I sent him letters
3 for years about the contamination issues. What I
4 am concerned about is they haven't done a lot of
5 environmental testing on the south side of the
6 property.

7 Last year the EPA drove up in my driveway
8 and said they were testing abandoned wells on the
9 property adjacent to me. And I asked them, "What
10 about my well? I mean, my property is the closest
11 to the contaminated zone." But no one ever
12 contacted me or asked to do any testing on my
13 farm. And I have an active well, so I am a little
14 bit concerned that this is a rush-rush job. And
15 there really hasn't been a lot of testing in the
16 surrounding wells by the EPA or the Army because
17 they want to dispose of the property.

18 Basically, that's all I have to say about
19 it. I think someone ought to look into this. I
20 think part of the reason why is, if you look at a
21 township map, that on the north side of 143rd
22 Street is Lexington Township and on the south side
23 is McCamish Township. And the reason, Mr. Stutz
24 told me, was it's too expensive to do additional
25 testing in that area. I think just because it's

JAY E. SUDDRETH & ASSOCIATES, INC.

Kansas
(913) 492-0111

Missouri
(816) 471-2211

1 more expensive, they shouldn't ignore the
2 landowners also in that area. I just think someone
3 ought to look into that.

4 MR. MCGUIRE: Thank you. The next
5 speaker is Johnna Lingle.

6 MS. LINGLE: Good evening. I am
7 Johnna Lingle, the Johnson County commissioner. My
8 office is in Olathe, Kansas. I will be very
9 brief. I have been before you at every meeting you
10 have had. The County is still very interested in
11 park land. Let's get that known in the beginning.

12 We have given you some general written
13 comments. We will provide you more technical
14 information in written form prior to March 15th. I
15 wanted to just point out to you this evening that
16 if the Sunflower property does come under the
17 jurisdiction of the County, the County will not
18 issue any building permits unless there is complete
19 certification by our environmental department,
20 Kansas Department of Health and Environment. And
21 the EPA, that the development site is safe for
22 construction. Thank you very much.

23 MR. MCGUIRE: Thank you. Before we
24 bring up the next speaker, I am reminded, for
25 future speakers, please, along with your name,

1 state your address for the public record.

2 The next speaker will be Craig Volland.

3 MR. VOLLAND: My name is Craig
4 Volland. I am president of Spectrum Technologists,
5 an environmental consulting firm located in Kansas
6 City, Kansas. My address is 609 North 72nd
7 Street. These comments are submitted on behalf of
8 certain residents residing in Johnson County and in
9 the vicinity of the Sunflower Ammunition Plant.

10 The Environmental Assessment does not
11 meet the National Environmental Policy Act
12 requirements. Some of these requirements are that
13 the impacts be explored and objectively evaluated.
14 The GSA is supposed to devote substantial treatment
15 to each alternative and include the reasonable
16 alternatives not within the jurisdiction of the
17 lead agency, which is the GSA.

18 This EA does not meet the requirements of
19 NEPA because, one, it does not include all of the
20 reasonable alternatives. It is not objective and
21 it does not devote substantial treatment to each
22 alternative.

23 Instead of the two alternatives that were
24 provided, there actually should be four. The first
25 is no action. The second is an accelerated cleanup

1 of the property by the responsible party, which is
2 the U.S. government, and then the disposal to
3 public bodies for uses eligible for public benefit
4 discount conveyance, which is at less than market
5 value, which are the -- is listed on Exhibit 1-2,
6 which is De Soto and the County and the other local
7 interests and the Indian tribe.

8 The third alternative should have been
9 the disposal of individual parcels to one or more
10 entities over a period of time while the cleanup
11 was going on. And the fourth was the preferred
12 disposal alternative that was selected by the GSA,
13 which is to hand it over to the State of Kansas who
14 is to negotiate the sale.

15 I won't go through all the details here,
16 but the reason that there should have been an
17 alternative which involves the immediate cleanup by
18 the U.S. government is because they are the
19 responsible party and it doesn't matter that the
20 U.S. Army has made some sort of bureaucratic
21 decision to give this project a low priority. They
22 could just as easily reverse that decision and it
23 doesn't matter that that decision is outside the
24 jurisdiction of the GSA. They're still supposed to
25 determine what the impacts are. Those impacts

JAY E. SUDDRETH & ASSOCIATES, INC.

Kansas
(913) 492-0111

Missouri
(816) 471-2211

1 would be much less, in my opinion, both
2 environmentally and economically.

3 The reason this EA is not objective is
4 because the General Services Administration is
5 laboring under an inherent conflict of interest.
6 The responsible party is the U.S. government. They
7 are responsible for paying for the cleanup and they
8 stand to gain hundreds of millions of dollars in
9 this transaction by not having to clean it up. So
10 the decision, then, as to which is the preferred
11 alternative is being put into the hands of another
12 U.S. government agency, which is GSA. That's why
13 this is not, in my opinion, a conflict of
14 interest.

15 The lack of substantial treatment, which
16 means the following items were not sufficiently
17 discussed. Water rights. There is a major water
18 right that add up to 28,000 acre-feet a year, which
19 is the equivalent usage of 250,000 people. These
20 water rights are going to be transferred presumably
21 to somebody, to the State of Kansas, and then they
22 can be subdivided and transferred to private
23 developers and others.

24 You need to be aware that these are very
25 senior rights, No. 37 and 38, out of 45,000 rights

1 in the state of Kansas. Which means in a period of
2 extreme drought, when there is not much flow in
3 that river, then whoever holds these rights is
4 going to have first call on that water. And,
5 believe me, this is going to happen one of these
6 days.

7 Furthermore, these water rights, it's not
8 legal to transfer this property to the State of
9 Kansas, except at an appraised market value. There
10 is no information provided in this Environmental
11 Assessment as to what the price of the transaction
12 to the State of Kansas is or what the market value
13 is. In my opinion, an extensive study of the value
14 of these water rights needs to be done in addition
15 to the normal appraised value of the property
16 before any reviewer like myself or anyone else can
17 determine whether this is a legal transaction.
18 This item in itself is enough, I think, to cause
19 this EA to be thrown out.

20 I have included in here, and I won't go
21 through it, a method by which you could contact the
22 water office, Kansas water office, and determine
23 the future scenario of extreme drought and the
24 types of costs that are going to occur. For
25 example, there will be insufficient dilution water

JAY E. SUDDRETH & ASSOCIATES, INC.

Kansas
(913) 492-0111

Missouri
(816) 471-2211

1 for all the sewage plants that are downstream.
2 These Sunflower water rights are upstream and
3 upgradient of these other users, which means they
4 have first call on that water and they can take it
5 and there won't be enough -- possibly won't be
6 enough downstream, which means that would cause
7 your sewage plants to violate their permits because
8 there is not enough dilution water to prevent the
9 destruction of aquatic life. There is a very --
10 there's a strong need here for a deep analysis of
11 that issue.

12 The other major error in this report is
13 the way the air quality impacts were determined.
14 As other speakers have talked about, this is a
15 sprawl-inducing plan, not only the Oz part of it,
16 but the conceptual plan that they've talked about
17 over the next 40 years. There will be very -- a
18 much increased emission of automobile emissions,
19 precursors to ozone, and the error that was made in
20 here is that the engineers only took into account
21 the air quality of Johnson County. There is no
22 ozone monitor in Johnson County. It wouldn't
23 matter anyway because under the regulatory
24 authority in this region, it doesn't matter. You
25 have to take into account the regional impacts of

JAY E. SUDDRETH & ASSOCIATES, INC.

Kansas
(913) 492-0111

Missouri
(816) 471-2211

1 the other counties.

2 As it turns out, three of the six ozone
3 monitors in the Kansas City region are failing the
4 new ozone standard, which means any increase in
5 traffic-generated emissions in this area will cause
6 or exacerbate the problem of noncompliance by the
7 whole metro area. This will boomerang back onto
8 Johnson County as a threat to their highway money
9 and also a threat to the ability to attract new
10 industry. This was probably the grossest
11 engineering error in this assessment.

12 The other item is stormwater control.
13 They simply recommended that there should be some
14 prevention of the additional stormwater, but there
15 are areas of De Soto that are already in the
16 100-year floodplain. With this development there
17 will be other areas of De Soto and there was not an
18 extensive discussion of what that risk was.

19 I won't go through all the details of the
20 public health concerns about the hazardous
21 contamination other than to state that, for all
22 practical purposes, the GSA is proposing an
23 alternative that allows sensitive development to
24 occur before the full extent of contamination on
25 the Sunflower site is known. Indeed, in Segment 1,

1 the area encompassing the proposed Oz Entertainment
2 complex, the full extent of contamination is listed
3 as unknown in 18 of 20 solid waste management
4 units. Therefore, they're going to allow a
5 facility with thousands of children that come every
6 day when they really don't know where this
7 contamination is and its extent.

8 Furthermore, earlier speakers talked
9 about some of the toxic substances. In addition to
10 that are chromates. Chromates are known
11 carcinogens that are essentially dust. And Oz will
12 be built before those portions of the site are
13 remediated. It is literally impossible to prevent
14 fugitive dust in such a circumstance. So I think a
15 very thorough study of that is also required.

16 Surface water contamination. Because the
17 extent of the contamination is unknown and there's
18 not significant aquifers under there, what happens
19 is the stuff that's in the soil is simply going to
20 decide if part of it is going to seep down into the
21 bedrock and go into the two streams that bracket
22 this site: Kill Creek and the other one.

23 So for probably 10 or 20 years this stuff
24 is going to be seeping out unseen as a seep or a
25 spring into Kill Creek and will flow right through

JAY E. SUDDRETH & ASSOCIATES, INC.

Kansas
(913) 492-0111

Missouri
(816) 471-2211